

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of SAMUEL CLIFFORD BAILEY,  
Minor.

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PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

SAMUEL CLIFFORD BAILEY,

Respondent-Appellant.

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UNPUBLISHED

May 12, 2009

No. 284384

Wayne Circuit Court

Family Division

LC No. 06-462088

Before: Sawyer, P.J., and Murray and Stephens, JJ.

PER CURIAM.

Respondent appeals as of right from an order of restitution entered as part of a dispositional order following a plea of admission to a charge of larceny in a building, MCL 750.360. We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

This Court reviews a restitution order for an abuse of discretion. *In re McEvoy*, 267 Mich App 55, 59; 704 NW2d 78 (2005). Generally, an appellate court defers to the trial court's judgment, and if the trial court's decision falls within the range of principled outcomes, it has not abused its discretion. *People v Carnicom*, 272 Mich App 614, 616-617; 727 NW2d 399 (2006).

At a dispositional hearing, "the court shall order . . . that the juvenile make full restitution to any victim of the juvenile's course of conduct that gives rise to the disposition or to the victim's estate" unless the victim has already been compensated by another entity. MCL 712A.30(2). If the offense results in the loss or damage of property, the court may order the respondent to return the property to the owner. MCL 712A.30(3)(a). If return of the property is not possible, the court may order the respondent to pay an amount equal to the value of the property on the date of its loss or the value of the property on the date of disposition, whichever is greater, less the value of any property that is returned. MCL 712A.30(3)(b). The restitution amount should be based upon the evidence. *People v Guajardo*, 213 Mich App 198, 200; 539 NW2d 570 (1995). The prosecutor bears the burden of proving the amount of the victim's loss by a preponderance of the evidence. MCL 712A.31(4); *People v Gahan*, 456 Mich 264, 276; 571 NW2d 503 (1997).

In this case, the victim lost various items, including a collection of rare and vintage currency. The hearing focused on the value of the lost currency, which exceeded the face value of many of the items. While the victim placed a value on the items greatly in excess of the restitution ordered, a factual basis was not established for many of the items. Following a hearing, the trial court admitted that it was “not able to determine what the amount of that value is,” but placed a value of \$5,000 for the lost coins, “based on the fact that . . . some of these coins may have had value.” While the evidence was insufficient to establish the actual value of the victim’s loss, the evidence did establish that the loss exceeded the restitution ordered. Accordingly, we affirm.

Affirmed.

/s/ David H. Sawyer

/s/ Christopher M. Murray